

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|-------------------------------|---|--------------------------------|
| WILLIAM L. SULLIVAN, #157996, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:05CV1033-ID |
| |) | [WO] |
| SIDNEY WILLIAMS, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER ON MOTION

On 28 February 2006, the court entered an order (Doc. #29), granting in part the plaintiff's motion for discovery (Doc. # 25). The court directed the individual defendants to file certain documents, including the plaintiff's PSI Report. The Alabama Board of Pardons & Paroles filed a motion to vacate that order on 29 March 2006 (Doc. # 36), contending, *inter alia*, that the individual defendants are not the custodians of the documents in question, that they belong to - and are in the custody of - the Alabama Board of Pardons & Paroles, a non-party.¹ The Board also filed a Motion For Stay of the order on 31 March 2006 (Doc. # 38).

Because the individual defendants are not the custodians or owners of the documents in question, and the custodian is a non-party, it is ORDERED as follows:

1. The motion to vacate is GRANTED. If the plaintiff insists upon production of the documents, he may file a subpoena pursuant to Rule 45 of the FED. R.

¹The Board was terminated as a party on 30 November 2005 (Doc. # 11).

CIV. PRO.

2. The motion to stay is DENIED as moot.

DONE this 9th day of May, 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

